REMARKS

Claims 1-16 and 18-26, as amended, are pending for the Examiner's review and consideration. The amendments are described below. No new matter or new issues are believed to have been added or raised by the amendments herein, which are intended to reduce the issues for allowance or eventual appeal.

Claims 1-4, 13, 16, and 18 were newly objected to because of the inclusion of the recitations "first portion" and "initial portion" to describe amounts of extraneous substances. The Examiner proposed that the term "excess" better conveys the Applicant's description (citing to ¶ 0024 of the specification). On the contrary, this is partially incorrect. The removal of excess extraneous substances does not appear to be mentioned in paragraph 0024 of the Specification. Rather, the removal of "excess" extraneous substances is clearly an optional removal that can occur, *e.g.*, before the cleaning, to make the process more efficient. *See e.g.*, specification at ¶¶ [0014], [0015], and [0026]-[0028]. Thus, the Examiner's suggestion has been adopted in claims 2-4 and 16 to which it is applicable. Claims 1 and 13, however, do not recite the optional removing of excess extraneous substances. Thus, it is believed these two already clearly and distinctly recite the invention and do not require amendment in this regard. Claim 13 has, however, been amended to provide an antecedent basis for "an amount" to expedite the prosecution of these claims. No change in the scope of these claims, either to enlarge or narrow them, is intended by these clarifying amendments. Accordingly, it is respectfully requested that the objection be reconsidered and withdrawn.

Claim 24 was newly rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. Specifically, the Office Action states that the recitation "storing at ambient temperature a cleaning fluid" does not appear to be supported in the specification. Before even reaching the alleged merits of this rejection, Applicant respectfully submits that the burden is on the Patent Office to demonstrate lack of possession of the invention in the claim terms. MPEP § 2163.04.[1] The Patent Office has

[1] A description as filed is presumed to be adequate, unless or until sufficient evidence or reasoning to the contrary has been presented by the examiner to rebut the presumption. *See, e.g., In re Marzocchi*, 439 F.2d 220, 224, 169 USPQ 367, 370 (CCPA 1971). There must, therefore, must be a reasonable basis to challenge the adequacy of the written description, and the Patent Office has the initial burden of presenting by a preponderance of evidence why a person skilled in the art would not recognize in an applicant's disclosure a description of the invention defined by the claims. *In re Wertheim*, 541 F.2d 257, 263, 191 USPQ 90, 97.

failed to do so here, where examination of the application as a whole provides clear and unambiguous support for the specific words now recited in the claim 24.

While the specification does not expressly disclose that the cleaning fluid comprising n-propyl bromide ("n-PB") is stored at ambient temperatures, ambient conditions are understood to exist in the absence of contrary disclosure. The exact appearance of words *ipsissimus verbis* in the specification is not the test. Nonetheless, support for this claim language exists in the fact that the specification does not disclose, require, or even suggest that the n-PB is chilled or heated while stored, as that would involve additional equipment, energy usage, etc., and thus, the conventional understanding--particularly to those of ordinary skill in the art in view of the specification--is that the n-PB is stored at ambient temperatures. Furthermore, even when the n-PB is heated in other parts of the dry-cleaning machine, for example, in the distiller to effectuate phase separation, it is advantageously heated only to a relatively low distillation point of approximately 90°F, which is a vast improvement over the significantly higher and more energy-intensive distillation temperature of approximately 265°F required for perchloroethylene ("PERC"). *See e.g.*, specification at ¶ [0039].

Applicants are not required by Section 112, first paragraph, to explicitly and expressly describe every single possible detail about an invention in an application. Rather, only the essential details of an invention must be described, and the remainder that are understood by those of ordinary skill in the art can be omitted as surplusage so that well understood concepts and details can be omitted to avoid having each application read as a textbook. Those details that are understood by those of ordinary skill in the art need not be expressly discussed or detailed in an application, which is the situation here with "ambient temperature" being understood. By way of further clarification, claim 24 has been amended to more clearly and distinctly recite that the cleaning fluid is operatively associated with a cleaning zone.

As such, and in view of the present written description, one of ordinary skill in the art would have readily understood at the time of the invention that the cleaning fluid consisting essentially of n-PB is stored at ambient temperatures in association with the cleaning zone. The transition term of claim 24 has also been amended to recite that the cleaning fluid consists essentially of n-PB, as recited in the other pending independent claims.

It is therefore respectfully requested that the rejection under 35 U.S.C. § 112, first paragraph, be withdrawn as inherent support exists for the ambient temperature recited in claim 24.

The Office Action maintained the rejection of claims 1-23 and 25-26 under 35 U.S.C. § 103(a) as being obvious over Applicant's own U.S. Patent No. 6,230,353 ("Middleton") in view of EP 1300501 to Carnovale ("Carnovale").

The presently claimed invention patentably differs from even the combination of Middleton and Carnovale because the combination fails to disclose or even suggest a cleaning fluid that consists essentially of n-PB to substantially limit or avoid the hazardous stabilizers present in commercially available n-PB formulations. Moreover, in addition to the reasons provided in the prior Amendment filed October 17, 2005 and the accompanying Middleton Declaration, as well as based on the prior art—including additional art submitted herewith, it is clear that the prior art as a whole taught those of ordinary skill in the art away from the use of n-PB for dry cleaning.

Carnovale is directed to a drying circuit for dry cleaning machines using "Comexol One" marketed by Comeco 2. Carnovale completely fails to disclose the contents of this "Comexol One," as it provides only a trademark and not the actual contents of the material other than the inclusion of commercially available n-PB. *See, e.g.,* Carnovale at ¶ [0008], [0012]. Such a commercially available n-PB cleaning fluid, however, appears to include environmentally-hazardous materials, such as certain known stabilizers, that are added thereto to help stabilize the chemical composition during storage and use thereof. Because many conventional stabilizers used with n-PB are hazardous materials, the use of commercially available n-PB containing these stabilizers is regulated by the EPA in the U.S. and other similar governmental authorities elsewhere with respect to other uses of n-PB, most notably in vapor degreasing applications.

Additionally, at least one publication has explicitly discussed the hazardous effects of commercially-available n-PB, specifically with respect to Comexsol[2]. *See* Coalition For Clean Air, Hung Out to Dry: How the Use of Perchloroethylene in Dry

[2] While Applicant has been unable to confirm that Carnovale's "Comexol" and "Comexsol" are identical due to the apparent bankruptcy and cessation of business by Carnovale Assignee Donini International S.p.A. (f/k/a Sobido S.p.A. and based on, *e.g.*, the non-working web address of the company's homepage www.donini.com), both appear to be commercially-available cleaning fluids containing n-PB. It is Applicant's understanding and belief that "Comexol" and "Comexsol" are either the same product or have similar components and similar properties.

Cleaning Endangers You and Your Family's Health, pp. 13-14, (2002) ("Hung Out"). Hung Out states that, while Comexol has not undergone complete toxicity testing, initial indications are that it may be a reproductive toxin. *Id.*

Due to their hazardous properties, one of ordinary skill in the art would not have expected that commercially-available n-PB cleaning fluids, such as Comexol One/Comexsol, could even be used in dry cleaning applications as presently claimed. While Carnovale discloses a dry cleaning circuit with Comexol One cleaning fluid, it did not teach how to safely operate such a device in compliance with environmental requirements. Moreover, in view of the non-enabled paper disclosure of Carnovale as discussed in the previous Amendment, particularly in view of Hung Out and the various MSDSs discussed below, those of ordinary skill in the art would have been motivated to *avoid* using such commercially available n-PB cleaning fluids.

Further, no motivation existed for those of ordinary skill in the art to provide a cleaning fluid that excludes substantially all or all of the detrimental hazardous stabilizers from such commercially-available n-PB cleaning fluids, because that was expected to result in instability of the cleaning fluids leading to more rapid degradation of the fluid and the equipment. Indeed, it has long been known in the dry cleaning industry that the addition of such stabilizers to solvents, such as halogenated hydrocarbon solvents, was required to prevent the undesired decomposition of the solvents during use. *See e.g.*, U.S. Patent No. 3,120,567 (1:15-65). By preventing decomposition of the solvents with such stabilizers, corrosion damage to conventional dry cleaning machines and other equipment was advantageously avoided. *Id.* The expected decomposition or degradation resulting from removal of stabilizers, aside from being expected to reduce the efficacy of a cleaning process, would have necessitated an increased maintenance schedule to more frequently replace lost/degraded cleaning fluid. This would have caused equipment downtime, additional hassle and would have strongly motivated against removing such stabilizers from commercial n-PB formulations like Comexol One. Moreover, those of ordinary skill in the art would not have expected to successfully remove substantially all or all of the hazardous stabilizers to provide a cleaning fluid consisting essentially of n-PB, particularly in view of the expected increases in degradation, increased maintenance, increased fluid replacement, and the like.

It was only through Applicant's experimentation that Applicant requested that n-PB be provided in a form with environmentally hazardous stabilizers excluded therefrom. Moreover, Applicant discovered the surprising and unexpected benefits of using a cleaning fluid consisting essentially of n-PB, namely that it did not result in the expected rapid cleaning fluid degradation, loss of cleaning efficacy, and other detrimental effects that was expected of such a formulation by those of ordinary skill in the art at the time of this invention. Such benefits of the claimed invention include the discovery that cleaning fluids including n-PB could be operably used and reused in the cleaning process without a detrimental amount of such hazardous stabilizers, thus minimizing or even completely avoiding the costs and complexities associated with recovery, disposal, and treatment of significant quantities of stabilizers as hazardous substances, as well as the known potential toxic and reproductive health effects of the Comexol One formulation. *See, e.g.*, Hung Out.

The Office Action also stated that the claims are directed toward a broad class of n-PB and do not distinguish between any specific n-PB, and further that the specification invites the use of stabilizers. While the specification may permit use of certain stabilizers in the cleaning fluids with n-PB, such as hazardous ethers and butylene oxide that are commonly found therewith, the invention is stated to preferably not include such stabilizers. *See e.g.*, specification at ¶ [0035]. Accordingly, the claims recite that the cleaning fluid either consists essentially of n-PB or is 100% n-PB, thereby excluding any detrimental amount of hazardous ethers and butylene oxide conventionally included as stabilizers in commercially available n-PB formulations like Techtride. Such hazardous stabilizers as Techtride-based ethers and butylenes oxide are expressly disclaimed from inclusion in the cleaning fluids of the claimed invention. *Id.*

With respect to commercially available n-PB materials, such as Comexol One, in addition to being a reproductive toxin, numerous other references in the art teach those of ordinary skill in the art away from using a cleaning fluid consisting essentially of n-PB without the typical stabilizers. From a review of various publicly available Material Safety Data Sheet ("MSDS") associated with commercially-available cleaning fluids including n-PB that were uncovered in a search requested by Applicant, it is clear that the stabilizers commonly used with commercial cleaning fluids containing n-PB are proven to have dangerous health, safety, and environmental effects. Each cleaning fluid in these MSDSs was

found to include harmful and hazardous stabilizers along with n-PB. For example, Table 1 below lists the cleaning fluids in the commercially available n-PB formulations that Applicant's search uncovered, along with the stabilizers and other components, to demonstrate: (a) the hazardous effects and regulations associated therewith; and (b) that each of the commercially available n-PB formulations uncovered by Applicant's search included such hazardous stabilizers.

Table 1[3]

Name	Stabilizer	Regulated				Comments
		OSHA	CERCLA	SARA	TSCA	
ABZOL® VG	Ethers	X				
	Nitroalkanes					
	Epoxides					
ENSOLV™	1,3-Dioxolane	X				fire and explosion hazard; moderately toxic upon inhalation; reproductive effects
	Butlyene oxide	X	X	X		animal carcinogen; toxic upon ingestion; tumerogenic and mutagenic; moderately toxic upon inhalation
	Nitromethane	X				anticipated human carcinogen; moderately toxic on ingestion; tumerogenic
	Saturated terpene					
SOLVON® PB	Butlyene oxide	X	X		X	
	t-Butanol	X			X	
SOLVON® AER	Butlyene oxide	X			X	
	t-Butanol	X			X	
SOLVON® DR	Butlyene oxide	X		X	X	
	t-Butanol	X		X	X	
	Acetonitrile	X			X	
SOLVON® PBA	Butlyene oxide	X		X	X	
	t-Butanol	X		X	X	
VAPOREDGE 1000	Isopropyl Alcohol	X		X		moderately toxic upon inhalation; mutagenic

[3] *See generally* MSDSs for ABZOL® VG, ENSOLV™, SOLVON® PB, SOLVON® AER, SOLVON® DR, SOLVON® PBA, and VAPROEDGE 1000. A copy of each is submitted herewith for the Examiner's convenience.

Name	Stabilizer	Regulated				Comments
		OSHA	CERCLA	SARA	TSCA	
						and reproductive effects
	Tert-Butyl Alcohol	X		X		moderately toxic upon ingestion; mutagenic, tumerogenic and reproductive effects
	Methylal	X				
	Butlyene oxide	X	X	X		animal carcinogen, toxic upon ingestion; tumerogenic, mutagenic, and reproductive effects

Despite the contention that MSDSs or regulations of regulatory agencies (*e.g.*, the EPA) are not determining factors of non-obviousness, it is maintained that the those of ordinary skill in the art would have considered the *totality of evidence* available in the prior art, including the MSDSs of commercial cleaning fluids containing n-PB and hazardous stabilizers and Hung Out, when considering the alleged teachings of Carnovale. As a result, given the dangers and problems, as well as strict regulation of such n-PB formulations, those of ordinary skill in the art in view of the totality of the prior art would not have been motivated to use such cleaning fluids, particularly in dry cleaning applications in view of Hung Out. Furthermore, as previously discussed, removing the stabilizers was not expected to be successful because it was believed that such hazardous stabilizers were required to prevent decomposition of the cleaning fluid and corrosion damage to the equipment. Thus, even if a motivation existed to use a conventional n-PB with such hazardous stabilizers in dry cleaning, it is clear that no motivation or reasonable expectation of success existed for those of ordinary skill in the art safely remove the stabilizers or that the resultant fluid consisting essentially of n-PB would be safe and effective. It was only through the discovery by Applicant that this was determined.

Additionally, claim 21 recites that the cleaning fluid "consists of n-PB." Such recitation would exclude from the scope of the claims most commercially-available cleaning fluids containing n-PB, apparently including Comexol One disclosed in Carnovale, due to their incorporation of the stabilizers described above.

Claim 25, as amended, is also separately patentable on its own merit. The claim recites a method of removing extraneous substances using a cleaning fluid consisting

essentially of n-PB and contained in a closed-loop system that includes at least one pneumatic device comprising stainless steel. It has long been the standard in the dry cleaning industry to use galvanized steel piping in dry cleaning systems to aid in the prevention of corrosion thereof. *See, e.g.*, U.S. Patent Nos. 3,120,567 at 1:34-36 (solvent is passed through screens made of galvanized steel, and frequently galvanized piping is employed); 3,274,755 at 3:36-39, 52-55 (apparatus can be used with a dry cleaning machine and comprises a vessel made of galvanized steel); 3,451,234 at 1:39-40, 3:59-63 (separator used in dry cleaning covered with corrosion resistant material such as galvanized steel); and GB Patent No. 954,831 at 1:8-16 (common use of metals to prevent corrosion in dry cleaning machines, including copper, brass, mild steel, and galvanized steel)[4]. As discussed above, traditional halogenated hydrocarbon solvents, such as PERC, have included stabilizers to help prevent decomposition thereof and thus also prevent corrosion damage to the dry cleaning systems using galvanized steel. *See, e.g.*, U.S. Patent No. 3,120,567 at 1:37-38.

In Applicant's experience, commercially available n-PB, even with the inclusion of stabilizers, is extremely corrosive to galvanized steel. Removal of those conventional stabilizers from commercial n-PB formulations would have been expected by those of ordinary skill in the art to cause far worse n-PB degradation and corrosion problems, which would have been expected to lead to structural failures of piping, valve parts, and other metal parts—especially galvanized steel—in cleaning equipment. Advantageously, however, Applicant determined that stainless steel provides a substantially lower corrosion rate when exposed to the presently recited cleaning fluid, despite not having the conventional hazardous stabilizers expected to be present in commercially available n-PB fluids such as Comexol One. Furthermore, neither Middleton nor Carnovale teaches or suggests the use of—or even the need for—materials other than the conventional galvanized steel in cleaning equipment and methods as presently recited. Moreover, it would not have been obvious to those of ordinary skill in the art to use stainless steel over galvanized steel in equipment and processes using n-PB fluids, because commercial n-PB fluids included stabilizers to avoid this problem so as to permit the use of less expensive, more readily available, galvanized steel parts. Moreover, those of ordinary skill in the art would not have been motivated to use stainless steel because galvanized steel was expected to work as it did with other conventional cleaning

[4] A copy of each of the references is submitted herewith for the Examiner's convenience.

fluids and because stainless steel parts are typically significantly more expensive compared to the industry standard of galvanized steel. For at least these reasons, claim 25, as recited, is also patentable even over Middleton in view of Carnovale.

The Office Action also states that Carnovale need not have been an operable device to render obvious the present claims. On the contrary, Applicant respectfully maintains that—an inoperable device—in the absence of teachings that point out and remedy the deficiencies—simply could not suggest or render obvious an operable invention. A reference is presumed operable until the Applicant provides facts rebutting the presumption of operability. *In re Sasse,* 629 F.2d 675 (C.C.P.A. 1980). As noted in the Amendment filed on October 17, 2006, in addition to Carnovale being incorrect and confusing regarding the state of the art, Carnovale teaches prolonged immersion of a metal cooling coil in a tank of commercially available n-PB, which would corrode or otherwise damage the cooling coil, possibly to the extent of structural failure of the piping, causing release of hazardous air pollutants or other environmentally damaging coolant materials believed to be present in Carnovale's commercial Comexol One fluid. This is especially true if the cooling coil in Carnovale is made of galvanized steel, which is the industry standard. One of ordinary skill in the art would not have expected that the device described in Carnovale would properly operate—or even operate at all. Thus, the presumption of operability of Carnovale has been rebutted, and as such, the use of Carnovale in any obviousness rejection is improper unless this deficiency is somehow overcome. Nevertheless, as discussed herein, the prior art as a whole teaches away from the claimed invention and/or fails to teach the claimed invention of a cleaning fluid that consists essentially of n-PB. Thus, Applicant respectfully requests that the rejection of claims 1-23 and 25-26 under 35 U.S.C. § 103(b) be reconsidered and withdrawn, as a *prima facie* case of obviousness has not been stated on the record.

Claims 1 and 24 were newly rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,929,702 to Motsenbocker ("Motsenbocker") on pages 10-11 of the Office Action. The Office Action states that Motsenbocker discloses a composition for releasing adherent deposits from surfaces and substrates, and that Examples I, K, and L thereof teach the use of n-PB as a solvent.

Motsenbocker, however, does not teach each and every element of the claims. Motsenbocker allegedly optionally uses 0 up to 50% n-PB, along with methylal, petroleum

distillates, and optional fragrances and/or surfactants (Col. 2, lines 39-49). In one particular embodiment, Motsenbocker teaches a composition that uses the n-PB additive in an amount of only 8% n-PB (Col. 2, lines 53-54). More specifically, Motsenbocker actually teaches the use of n-PB primarily only as *an additive* to a composition that is at least 83% formed from the carrier solvent Calumet 400-500, a petroleum distillate. *See, e.g.,* Motsenbocker at Col. 21, lines 40-52. In fact, in Example I, K, and L, the carrier solvent is present in excess of 90% of the compositions, while the concentrations of n-PB are only 3.0% and 8.0%. Thus, the Motsenbocker compositions clearly do not consist essentially of n-PB, as recited in claims 1, 13, 20, 24, and 25. For at least these reasons, Motsenbocker does not anticipate the present claims, and it is respectfully requested that the Examiner's rejection be withdrawn.

Claim 1 was also newly rejected under 35 U.S.C. § 102(b) as being anticipated by JP 11-246898 to Ozawa ("Ozawa") on page 11 of the Office Action. The Office Action states that the abstract of Ozawa discloses the use of an n-PB based solvent composition in removing stains from fabrics.

As with Motsenbocker, Ozawa does not teach each and every element of the claims. Rather, Ozawa teaches mixtures of n-PB with an aliphatic hydrocarbon and a flame retardant, and such mixtures may be further combined with a lower aliphatic alcohol. *See, e.g.,* Ozawa Abstract. As such, Ozawa does not teach or suggest a cleaning fluid that consists essentially of n-PB, as recited in claim 1. In particular, the use of a flame retardant *teaches away* from the claimed invention, because it suggests to one of ordinary skill in the art that n-PB could not be used without a flame retardant in view of its known flammability. Thus, Ozawa does not anticipate the present claims, and it is respectfully requested that the rejection under 35 U.S.C. § 102(b) be reconsidered and withdrawn.

Claims 1-16 and 18-24 were also newly rejected for obviousness-type double patenting over claims 1-17, 1-16, 1-14, and 1-20 of Applicant's own U.S. Patent Nos. 6,009,585; 6,536,061; 5,538,646; or 5,916,336 ("Applicant's previous patents"), respectively, in view of Carnovale. Separately, claims 25 and 26 were previously rejected for obviousness-type double patenting over claims 1-10 of U.S. Patent No. 6,563,061 in view of Carnovale. Despite these assertions, the present claims are significantly different—and patentably distinct—from that claimed in any one of Applicant's previous patents. Therefore, it is respectfully requested that the rejection be reconsidered and withdrawn.

Applicant's U.S. Patent No. 5,538,646 (the "'646 patent"), for example, includes claims that are generally directed to methods for removing oil from absorbent materials that include initially removing a first quantity of oil, soaking the materials in a degreasing solution, and then removing a second quantity of oil and degreaser from the materials (*see, e.g.*, claims 1 and 9). The first and second quantities of oil are removed by centrifuging (*see, e.g.*, claims 2-4, and 10-12), and the degreasing solution includes a low-pH, organic degreaser (*see, e.g.*, claims 5 and 13). In addition to the differences noted below, the present claims do not recite anything relating to soaking, and centrifuging is only optional and therefore only recited in a few of the present dependent claims.

With respect to Applicant's U.S. Patent No. 5,916,336 (the "'336 patent"), the claims are directed to methods of removing lubricant from materials by initially determining whether the lubricant is petroleum-based or non-petroleum-based, and then centrifuging and/or dry cleaning the materials in a dry cleaning solution, which is further distilled to remove lubricant therefrom (*see, e.g.*, claims 1 and 14). The dry cleaning step is preferably performed using PERC (*see, e.g.*, claims 3 and 8). In addition to the differences noted below, the present claims do not recite any determination of the type of lubricant to be removed.

Applicant's U.S. Patent No. 6,009,585 (the "'585 patent") includes claims that are generally directed to a washing apparatus, and methods of use thereof, that includes a hot water heater, a means for washing and rinsing cloths, and an evaporator (*see, e.g.*, claims 1 and 6). In addition to the reasons below, the patent is directed to water-based cleaning and requires a hot water heater and an evaporator, rather than a cleaning fluid as presently recited.

Applicant's U.S. Patent No. 6,536,061 (the "'061 patent") includes claims that are generally directed to methods of cleaning absorbent materials by centrifuging the materials to remove excess oil therefrom, and dry cleaning the materials in reused dry cleaning solution that has been distilled (*see, e.g.*, claims 1, 7, and 13).

Importantly, and in contrast to each of Applicant's previous patents, each of the independent claims 1, 13, 24, and 25 of the present invention recites methods for removing extraneous substances by cleaning in a cleaning fluid consisting essentially of n-PB. While n-PB is a species of the genus of low-pH, organic degreasers or dry cleaning fluids that are

recited in certain claims of Applicant's previous patents, a cleaning fluid consisting essentially of n-PB is never expressly recited in the claims. Furthermore, a cleaning fluid consisting essentially of n-PB is also never expressly disclosed or suggested anywhere in disclosure of Applicant's previous patents, and neither are the surprising and unexpected benefits associated with the use of a cleaning fluid consisting essentially of n-PB disclosed (*i.e.*, one without hazardous stabilizers). As previously discussed, Carnovale also fails to teach or suggest each of the features of the present claims, and in particular the use of a cleaning fluid consisting essentially of n-PB, such that this rejection is believed to be improper.

Moreover, Applicant's previous patents—even in combination with Carnovale—do not recite other features of the present claims, such as dry cleaning in reused cleaning fluid consisting essentially of n-PB, as recited in claim 13, storing at ambient temperature a cleaning fluid consisting essentially of n-PB, as recited in claim 24, or using closed loop cleaning system that includes at least one pneumatic device comprising stainless steel to facilitate circulation of a cleaning fluid consisting essentially of n-PB, as recited in claim 25. For at least these reasons, it is respectfully requested that the double-patenting obviousness rejection be reconsidered and withdrawn, as the cited references include a claim scope that is significantly different—and patentably distinct–from that of the present claims. If this rejection is maintained and is the only remaining rejection in the application, Applicant reserves the right to submit a Terminal Disclaimer as to one or more of Applicant's previous patents to expedite the prosecution and the allowance of this application.

It is believed that the entire application is presently in condition for allowance. Should any issues remain, a further personal or telephonic interview is respectfully requested to discuss the same in order to expedite the allowance of the application.

Respectfully submitted,

4/19/06
Date

Jeffrey A. Wolfson (Reg. No. 42,234)

WINSTON & STRAWN LLP
Customer No.: 28765

(202) 282-5770